

# Naples City Council

## February 14, 2013

### Minutes

The regularly scheduled meeting of the Naples City Council was held February 14, 2013, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### ***DATE, TIME & PLACE OF MEETING***

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

#### ***COUNCIL MEMBERS ATTENDING***

Others attending were Dale Harrison, Cresta Slaugh, Evan Baker, Ryan Cook, Jim Harper, Mark Watkins, Chris Hoem, Connie Patton, Craig Blunt and Nikki Kay.

#### ***OTHERS ATTENDING***

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker asked for volunteers to lead the pledge of allegiance and offer the invocation. Councilman Dennis Long led the pledge of allegiance and Councilman Kenneth Reynolds offered the invocation.

#### ***OPENING CEREMONY***

Mayor Baker asked for approval of the agenda. Councilman Kitchen wanted to know if he could add a discussion about the Planning Commission bylaws to the next Council agenda. Councilman Long had one item under "Other Matters" concerning the road department and Craig Blunt wanted to add two items under "Other Matters," one concerning the building lease agreement and the other was about the Friends of the Field House. Gordon Kitchen **moved** to approve the agenda with those additions. Robert Hall **seconded** the motion. The motion passed with all voting aye.

#### ***AGENDA APPROVED***

Mayor Baker asked for approval of the minutes of January 24, 2013 and wanted one change made to the statement he made during the discussion of the Planning Commission appointments about electing a Mayor Pro tem. Dennis Long **moved** to approve the minutes with that change. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

#### ***MINUTES APPROVED***

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. Nothing was brought forward.

#### ***FOLLOW UP ITEMS FROM PREVIOUS MEETING***

Connie Patton presented the bills in the amount of \$45,457.49 and asked for approval to pay them. Councilman Long questioned the bills to PEHP for COBRA insurance payments. Nikki Kay explained that two of the bills were sent to the fire department by mistake and were therefore not paid in October. She stated that was the reason for two payments in one month. Dennis Long **moved** to accept the amount of \$45,457.49. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

#### ***APPROVAL OF THE BILLS***

Jim Harper asked the Council to approve the purchase of new cutting edges for the back of the front end loader. Jim stated they rely on these blades a lot during snow removal and the blades are very worn. Jim presented two bids, one from Holland Equipment and one from Honnen Equipment. Gordon Kitchen **moved** to approve the Holland Equipment bid of \$942. Kenneth Reynolds **seconded** the bid. The motion passed with the following vote:

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

#### ***REQUEST TO PURCHASE BY ROAD DEPARTMENT***

Jim Harper asked for approval to purchase a new laptop computer. He stated the one they are currently using has been repaired several times, they keep getting corrupt files, and they can't print from it. Jim presented three bids for a new computer. Gordon Kitchen **moved** to approve the Dell computer from newegg.com for up to \$1,000. Robert Hall **seconded** the motion. The motion passed with the following roll call:

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Chief Watkins told the Council when they took the radios out of the old police cars they just took the heads and the radio and did not pull the cables. He said the police department has five radios without the cables and they would like to put those radios in the road department vehicles. Chief Watkins said they would like to see if they can establish a communication system between the police department and the road department. Chief Watkins said they will be splitting the cost between the two departments. He stated that after the radios are installed he will get with the road department and train them on the proper use of them. Chief Watkins said they have been working on this for a while but they are wanting to move forward with it at this time. Chief Watkins said the bid he received to do the work was \$1,183.84. Robert Hall **moved** to approve the expenditures for the radio equipment as presented. Dennis Long **seconded** the motion. The motion passed as follows:

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Chief Watkins told the Council it has come time for the officers to re-qualify with their firearms. Chief Watkins wanted to purchase seven cases of certification ammo and one case of duty ammo in the amount of \$2,270. Dennis Long **moved** to approve that amount of \$2,270. Dan Olsen **seconded** the motion. The motion passed with the following vote:

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Mayor Baker submitted a travel request to attend a Utah Water Laws and Regulations seminar in Salt Lake City. The cost for the seminar and travel was \$582.41. Robert Hall **moved** to approve the Mayor's travel request for \$582.41. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

|             |     |
|-------------|-----|
| Robert Hall | Aye |
| Dan Olsen   | Aye |

***POLICE DEPARTMENT  
REQUEST TO PURCHASE  
RADIO CABLES AND  
PRACTICE AMMO***

***TRAVEL REQUEST BY  
MAYOR***

|                  |     |
|------------------|-----|
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Mayor Baker told the Council that he asked Jeremy Raymond to obtain a bid to install a fireman's pole at the Naples Fire Station. Mayor Baker wanted to see about getting one installed before they begin remodeling the fire station. The bid from Angus Construction for the pole was \$11,020. Councilman Kitchen wanted to know if the pole had to be copper or if some other material could be used. Craig said they do have a set of regulations for the installation but they could look at getting a brass one. Councilman Kitchen said he didn't have a problem with approving the funds to be placed in the budget but he did not want to approve the purchase or the contract to install it and would make that his **motion**. Dale Harrison spoke from the audience and said he had a very hard time with such a large amount being spent for a decorative fire pole. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***DISCUSSION TO  
INCREASE BUDGET FOR  
FIREMAN'S POLE AT  
FIRE STATION***

Craig Blunt said he spoke with Charlie Hall at the radio station to see what their intentions were in regards to the annual Easter Egg hunt held at the Naples Park. Mr. Hall said they have already begun preparations for this year's hunt and they would like to continue to sponsor this event. Mr. Hall said they have been working with the Recreation District and would still like the City's help. Craig stated the matter was placed on the agenda to increase the budget for the Easter Egg hunt if the radio station was no longer going to be in charge but there would be no need for changes at this time. No action was taken.

***DISCUSSION TO  
INCREASE BUDGET FOR  
EASTER EGG HUNT***

Dan Olsen **moved** to open a public hearing to discuss opening and amending the fiscal year 2012/2013 budgets. Mayor Baker asked Nikki to explain some of the adjustments that need to be made. Nikki explained the need to increase the budget for the building inspector wages and taxes due to the increased number of building permits currently issued. She explained this could be off set by increasing the building permit fee budget. Nikki also noted that the budgets for miscellaneous charges to the City Attorney, independent auditor, road side park utilities and public relations all needed additional funds. Nikki explained that she made an error in the police department budget by not including the K-9 pay and recommended increasing the sales tax revenue budget to cover that. It was also noted that a transfer would be

***PUBLIC HEARING TO  
OPEN AND AMEND  
BUDGET***

made to take care of the deficit in the high country special improvement district budget as per the recommendation of the auditor. Mayor Baker asked for public comment at this time. Dale Harrison said he was sorry for speaking out of turn earlier in the meeting but he would ask the Council to reconsider paying \$11,000 for a pole at the Fire Department. Mr. Harrison said that is a lot to pay for a decorative pole. Mr. Harrison said he could understand the cost if it were a full time department but asked them to really look at the cost before considering it. Mr. Harrison also asked for clarification on the comp time for City employees and wanted to know if it accrues hour for hour. Nikki Kay said they accrue it at time and half. Councilman Kitchen wanted to know if they could make a decision on increasing the budget for overtime in the road department before they had the discussion about the overtime. Councilman Olsen said they could table this matter and come back to it. With no other comments from the public, Dennis Long **moved** to close the public hearing. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Dan Olsen **moved** to table the discussion on budget adjustments until after item twelve on the agenda. Gordon Kitchen **seconded** the motion. The motion passed with all voting affirmatively.

Councilman Kitchen expressed his concern about adopting an Ordinance that had not yet been written. Nikki stated the Council would be forming the Ordinance based on the rules and procedures they chose to adopt. Craig Blunt asked the Council, out of the three examples presented, if there was one they preferred. Councilman Kitchen stated he liked the one from South Weber City. Councilman Kitchen said it addresses some of the concerns they have. Councilman Long said he thought eight through sixteen of the rules of procedure sent by David Church would be good to keep in. Councilman Kitchen said he was hesitant to accept anything as a first reading without having anything written. Councilman Reynolds said if they like the South Weber Ordinance they could get with Craig and tell him what they would like included and then they can tweak it when they bring it back. Councilman Kitchen proposed or **motioned** that the staff look at the South Weber Resolution as a template, put the City's name where appropriate and bring it back to the next meeting to be adopted as an Ordinance. Robert Hall **seconded** the motion. The motion passed with all voting aye.

### ***DISCUSSION TO SET RULES OF ORDER AND PROCEDURES***

Council members discussed a revision to the policy and procedure manual regarding overtime and comp time. Councilman Long wanted to know if the corrections that City Attorney Dennis Judd made to the current policy under the comp and overtime hours were state law. Nikki said she wasn't sure. Councilman Kitchen wanted to know what the issue is. He wanted to know what the current policy allows. Craig said any overtime for the road department is currently being accumulated as comp time hours. Councilman Kitchen questioned if the overtime could be paid out according to the current policy. Craig said it's done in comp time. Councilman Kitchen questioned if it could be both. Craig said that is what this discussion is for and they could change the policy wording to allow for that flexibility. Craig said they should also look at the holiday hours. Councilman Long asked Chief Watkins about the overtime policy for the police department. Chief Watkins said he normally pays out for overtime. He recommended making the policy either/or (choose comp time or be paid for overtime). Councilman Reynolds wanted to know if the road department wanted the option of either/or. Jim Harper and Ryan Cook said they do. Ryan said he liked the idea of being able to choose. Councilman Olsen wanted to know what Jim thinks this will cost the City. Jim Harper said he hadn't really investigated the exact amount. He thought if they figured \$40 per hour it should cover the increase for FICA, retirement, etc. Councilman Kitchen wanted the policy to reflect that if they choose comp time they can't come back and ask for those hours to be paid out. Councilman Long said the overtime form used by the police department shows the employee has to choose how he wants those overtime hours recorded. Councilman Long asked Ryan what his input was on this. Ryan said he would like to see an amendment in the policy because as it currently is, if they get called out on a weekend they are told to take the time off during the week and can't accrue comp time. Councilman Long said he thought they couldn't tell them when to use their comp time. Councilman Hall said that is a little different because in that instance the department head is flexing the schedule. Chief Watkins said the employee should usually know when they are going to be on overtime and the employee should be required, at that point, to fill out the overtime request form. Ryan said the current policy says that overtime is discouraged and so that is how they have been basing their schedule. Councilman Kitchen said it is discouraged but doesn't mean it can't happen. Councilman Olsen wanted to know how long an employee could carry comp time hours. Craig said anything that is accrued in one

***REVISION TO POLICY  
AND PROCEDURE  
MANUAL REGARDING  
OVERTIME AND COMP  
TIME***

year carries over to the next. Council members questioned the correction that Dennis Judd made in how many comp time hours could be carried over, they wanted Craig to see if the City can restrict those hours. Craig said he would check on that. Councilman Hall said they do need clarification because if the accumulated comp hours have to be at 240 they would need to budget for that also, in case someone quit. Councilman Kitchen said even if the law allows for 240 comp hours the City policy does not. Councilman Hall wanted to make sure on that. Craig Blunt said he believes the Council can set it at a lower amount. Council members discussed how to determine what amount to budget. Ryan Cook said he thought they could come up with a fairly accurate figure of past overtime hours. Jim Harper said the way they have been trying to plow and sand the roads every day it would be easy to build up hours doing what they are doing. Councilman Kitchen wanted to know if Jim couldn't do a flex schedule during snow removal season and have them use their comp time hours when they don't have snow. Jim said when spring comes they have other projects and they use seasonal help then. Councilman Kitchen wanted to know if could use seasonal help in the winter. Jim said that might help. Dennis Long **moved** to investigate the amount of hours the City is allowed for accrual of comp time, to put into the road department overtime wages in the sum of \$10,000 for this fiscal year, to allow the choice of compensatory time or overtime and to readjust or evaluate the amounts in May. Dan Olsen **seconded** the motion. The motion passed as follows:

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Council members moved back to the discussion regarding the budget. Gordon Kitchen **moved** to open and amend the budget according to the adjustments presented and discussed with the addition of the \$10,000 to be used for overtime wages, FICA, and retirement. Craig Blunt asked if the Council would also consider putting \$20,000 into an account for the conversion of sick leave on retirement. Councilman Kitchen said he had no problem adding that to his motion and would include the \$20,000 into the sick leave payout. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

#### ***BUDGET AMENDMENTS***

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Councilman Kitchen asked for clarification because he wasn't at the meeting. Councilman Kitchen said his understanding was he seconded a motion at a previous meeting that would appoint the Planning Commission as Cresta Slaugh, Dale Harrison, Wally Gale, Lance Webb, and Kerry Kinney, with alternates Mark Partridge and Bret Stringham. Councilman Kitchen said as he read the minutes the names were not made clear and he thought it needed to be because that was the motion he seconded. Councilman Olsen said the question that came up was the process of rotating those members off year after year. Councilman Kitchen said that is why he would like a discussion about the bylaws to be placed on the next Council agenda. Councilman Kitchen said, as of right now, that is the Planning Commission for this year because, according to the bylaws, they have appointed a Commission for this year. Councilman Kitchen wanted to know if that was correct. Councilman Olsen said on that motion, "yes." Councilman Kitchen said they have two alternates and can have up to five, but they currently have a functioning Planning Commission in place. Councilman Kitchen said he thinks they have what they need in place for the year. Councilman Kitchen said the minutes needed to be more clear as to who was appointed to the Planning Commission and list their names. Councilman Hall said they could appoint new alternates. Mayor Baker said he had two names to present as alternates. Mayor Baker recommended appointing Neil Cathey and Andrew Bentley as alternate members. Councilman Long said he didn't have a problem with that. Dennis Long **moved** to ratify the names as presented by the Mayor. Councilman Reynolds said he didn't have a problem with it but wanted to know if they could do it where it is listed as a discussion item on the agenda. Mayor Baker said he thought they can do it and didn't know how technical it had to be. Mayor Baker said he appoints and the Council ratifies. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye on roll call.

***DISCUSSION REGARDING  
APPOINTMENTS TO THE  
PLANNING COMMISSION***

Councilman Reynolds said he asked for this matter to be placed on the agenda because it wasn't so much that he disagreed with what happened last time as he didn't like the



way it happened. He said they need better bylaws so it doesn't happen that way again because there were too many hurt feelings and too many problems. Councilman Hall said it wasn't communicated well and they should show better respect for someone that has been serving for over a decade. Mayor Baker said he was willing to admit it wasn't handled as good as it could have been. Councilman Reynolds said as they redo the procedures for the Council they should also do it for the Planning Commission. Councilman Kitchen said that is why he wants to discuss the bylaws in the next meeting. Chris Hoem said if the Council wants to make changes to the bylaws of the Land Use Ordinance they need to hold a public hearing and make sure the Planning Commission is also part of the discussion. Councilman Kitchen said they can discuss it at the next meeting and then hold the public hearing in March.

Craig Blunt gave an update on the meeting he attended where they discussed the Uintah Basin Energy and Transportation study. Craig pointed out the participants for the study; Uintah Transportation Special Service District, Duchesne County Special Service District, Uintah County and UDOT. Craig said UDOT was the mouth piece before the legislature. Craig wanted the Council to know what their objectives were. He said they wanted to answer the questions about the likely path of growth for energy production in the Basin, is transportation capacity limiting this growth, and, if so, what is the opportunity cost of failing to address transportation constraints. Councilman Kitchen said he listened to the presentation at the School Board meeting but he wanted to know if Craig could clarify if the transportation constraints included pipe lines or were they strictly referring to roadways and railways. Craig said it does refer to pipelines. Craig said one of the things they wanted to show was how much crude, natural gas, oil shale and tar sands are available to be extracted and how much would be lost in tax revenue to the State of Utah if the extraction was limited. Craig said the idea of bringing this study to the Legislature was to bring more funding into the Basin for improvement of transportation. Craig said the idea is, if you put money into upgrading the infrastructure then you have the potential to increase the production which will increase tax revenue and create jobs. Councilman Long wanted to know how this information was received by the State. Councilman Kitchen said they believe it got their attention.

***UPDATE ON UINTAH  
BASIN ENERGY AND  
TRANSPORTATION STUDY***

Councilman Kitchen wanted to add a discussion of the Planning Commission bylaws to the next Council meeting agenda. Chris Hoem said they can discuss it but before they could make a change it would need to go through a public hearing.

***OTHER MATTERS -  
FUTURE COUNCIL  
MATTERS***

Craig Blunt updated the Council on the moving date of the radio station. Craig stated the radio station was moving up town near the cobble rock restaurant and the floors of the building are not ready. Craig said they will not be out by the deadline given so they are trying to negotiate another date.

Councilman Long wanted to know if the road sign near Robin Bemis' house could be moved. Jim said he would take care of it.

Craig Blunt said they have a Board that represents the old museum and it is called the Friends of the Field House. Craig said the Board is currently looking to fill a vacancy on the Board. Craig asked the Council to think of anyone that might be willing to fill that vacancy. Craig and Dennis Judd both thought it would be a good idea to have someone from the City sit on the Board because the old museum has some items, such as large stones that would be good at the road side park and even some concrete dinosaurs. Craig said the Board isn't sure what to do with the items and it would be good to have someone representing this side of the valley as those decisions are made. Mayor Baker said the County Commission made the decision to tear down the old museum and thought it was sad that something that has stood as such a landmark for so many years was going to be torn down.

With no other business before the Council, Robert Hall **moved** to adjourn the meeting at 9:05 p.m. Dennis Long seconded the motion. The meeting was adjourned.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 28<sup>th</sup> DAY OF FEBRUARY 2013

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_